UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1995/942
9 November 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 7 NOVEMBER 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 6 November 1995 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the violations committed by the U-2 aircraft.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Annex

Letter dated 6 November 1995 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

In August 1991 the Special Commission informed Iraq that it had decided to conduct aerial reconnaissances of Iraq using a United States U-2 spy plane. Despite Iraq's opposition to this decision and the many protests it has lodged in the 102 letters on the subject it has thus far addressed to the Secretary-General of the Organization, the United Nations and the Special Commission have paid no heed to Iraq's legitimate objections and the aircraft has continued to be dispatched on its dubious missions. As of the end of October 1995 it had made 274 overflights, for a total flight time of 1,148 hours.

A glance at the paths followed by the aircraft during its overflights indicates that the targets chosen for it are dictated by the intelligence requirements of United States policy. An example that demonstrates the veracity of this assertion is the incident of 4 October 1991, when the aircraft's penetration coincided with the violation of Iraq's airspace by Israeli aircraft in such a way as to confirm that there were hostile objectives underlying the apparent coincidence. Similarly, the overflight by the aircraft on 5 April 1992 came a few hours after an Iranian air raid on Iraqi territory and its overflight for that day centred on the Iraq-Iran border area. The aircraft's violation of 1 January 1993 brought with it new proof of its intelligence-gathering function, since the overflight was confined to the southern part of Iraq where the United States was bringing into effect an unlawful aerial exclusion zone that Iraq does not recognize. The aircraft's mission on this overflight of southern Iraq was nothing less than to carry out surveillance and reconnaissance in full coordination with United States Navy warplanes flying combat patrols in the same area in violation of Iraq's sovereignty and Iraq's airspace. This was a breach of international law for purposes that bore no relation to the mandate of the Special Commission as set forth in Security Council resolution 687 (1991).

In his letter dated 19 August 1991 addressed to the Secretary-General, the Minister for Foreign Affairs of Iraq requested that the photographs taken and the information gathered by the aircraft should remain in United Nations custody to be used exclusively for the purposes of the Special Commission as set forth in Security Council resolution 687 (1991) and that the United Nations should provide assurances that the photographs and information would not in any way be leaked for purposes other than those indicated by the Organization. The practical reality has been quite otherwise, and it has become clear that the country that owns the aircraft is using the information gathered by it for its own particular purposes, which are inconsistent with the mandate of the Special Commission. The best indication of that was the report published by The New York Times on 15 August 1995, in which it was said that military officials had disclosed movements by United States ships, possible military exercises in Kuwait in the near future in which some 5,000 American troops would take part, and increased overflights of Iraq by the American U-2 spy plane.

Even more astonishing is the statement made by the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, as published in The New York Times on 16 October 1993, when he said, in reply to a question from the newspaper on the possible use of a United States U-2 spy plane for United Nations operations in Bosnia and Herzegovina, "I don't want a James Bond spy plane at the United Nations".

It is thus a James Bond spy plane and is of ill repute when it is a matter of the situation in Bosnia and Herzegovina, but when it is to be used against Iraq it is an aircraft gathering information for the United Nations.

The facts revealed since overflights by this aircraft began in 1991 require the immediate re-examination by the United Nations of the forcible use of the aircraft by the United States of America to violate Iraq's airspace in a manner totally incompatible with the purposes and principles of the Charter of the United Nations as they relate to respect for the sovereignty of all Member States.

We take this opportunity to reiterate the request we have constantly made that Iraqi aircraft be used instead of foreign aircraft in the work of the Special Commission in order to exclude any possibility of such foreign aircraft being used for purposes prejudicial to Iraq's sovereignty and security.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq